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**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of :
:
Hideki KURATA : Confirmation No. 2414
:
U.S. Patent Application No. 10/565,599 : Group Art Unit: 3723
:
Filed: January 24, 2006 : Examiner: Shay Lynn Karls

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

MARCH 16, 2009

APPELLANT'S REPLY BRIEF (37 CFR 1.192)

Further to the Examiner's Answer mailed on January 26, 2009, in connection with the above-identified application on appeal, herewith is Appellant's Reply Brief.

The fees required under § 1.17(f) and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF REPLY BRIEF.

Argument

The rejection of claims 1 and 3 under 35 U.S.C. 102(b) as anticipated by *Mason* (US 3,918,166) and the rejections of claims 4-6 as obvious under 35 U.S.C. §103(a) over *Mason* in view of one or more of *King* (US 3,662,969) and *Koizumi et al.* (US 5,406,715) are hereby traversed for the previously-presented reasons advanced in Appellant's Appeal Brief. Appellant hereby responds to selected portions of the Examiner's Answer (EA) mailed January 26, 2009.

A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. Appellant respectfully submits that not only does *Mason* fail to disclose, teach or suggest all of Appellant's claim limitations, but furthermore, the head circumference measuring device of *Mason* is unrelated to the Appellant's recited drain cleaner.

Claim 1 recites, inter alia, a strip body, wherein the strip body is provided with flexible members disposed on both edges of the strip body, the flexible members being configured to make close contact with an abutting surface along the long direction of the strip body. *Mason*, on the other hand, discloses a head circumference measuring device wherein an inside surface of an elastic belt is configured to be placed around a head. Nowhere does *Mason* disclose, teach, or suggest wherein flexible members provided on both edges of the strip body are configured to make close contact with an abutting surface. Accordingly, independent claim 1 and claim 3 that depends from claim 1 are patentable over *Mason* for the failure of *Mason* to suggest each and every feature recited in claim 1.

Regarding independent claim 4, rejected as obvious over *Mason* and *King*, the Examiner admits that *Mason* fails to disclose a handle and relies upon *King* to remedy the deficiencies of *Mason*. Appellant respectfully disagrees and submits that independent claim 4 is similar to claim 1 and likewise recites flexible members on edges of a strip body and configured to make close contact with an abutment surface. *King* fails to remedy the deficiencies of *Mason*.

Appellant further submits that the combination of *Mason* and *King* is improper, neither *Mason* nor *King* suggesting the desirability of combining such teachings. For example, *Mason*'s head circumference measuring device is spring loaded and therefore one of ordinary skill in the art would not be motivated to add a handle to the spring loaded roller disclosed by *Mason*, nor would one be motivated to add a spring to the manual tightener of *King*.

Appellant respectfully submits, therefore, that the rejection of claim 4 is improper and reversal of the rejection is respectfully requested. Dependent claims 5-6 are likewise patentable over the alleged combination of references, based at least upon their dependence on allowable base claim 4, as well as for the additional features they recite.

Claim 5, for example, recites a pair of handles, one attached to a front end of the strip body and a second handle attached to the reel body. The Examiner posits that "anything that can be grasped by the hand can be considered a handle," and arbitrarily characterizes two positions, one on *Mason*'s housing, and one on a portion of the strip, as meeting the Examiner's definition of handle. Appellant respectfully submits that the Examiner's definition of handle is arbitrarily broad and does not conform to any known definition of the term handle.

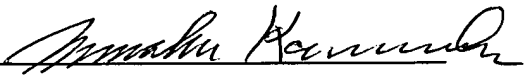
For example, the Meridian-Webster Online Dictionary defines handle as 1) "a part that is designed especially to be grasped by the hand," and 2) "something that resembles a handle (see <http://www.merriam-webster.com/dictionary/handle>). Appellant respectfully submits that nowhere does *Mason* disclose, teach, or suggest a handle as suggested by these or any other definition of the word.

CONCLUSION

For the extensive reasons advanced above and in Appellant's Appeal Brief, the rejection of claims 1-6 is improper and reversal of the rejections is in order.

Respectfully Submitted,

KANESAKA BERNER & PARTNERS

By 

Manabu Kanesaka

Reg. No. 31,467

Agent for Appellants

1700 Diagonal Road
Alexandria, VA 22314
703-519-9785